

REMARKS

The Office Action dated April 11, 2008, has been received and carefully considered. In this response, claim 443 has been amended. No new matter has been added. Entry of the amendments to claim 443 is respectfully requested. Consideration of amended claim 443 and reconsideration of the pending election/restriction requirement in the present application is also respectfully requested based on the following remarks.

I. THE ELECTION/RESTRICTION REQUIREMENT

On page 2 of the Office Action, the Examiner asserts that the present application contains claims directed to ten patentably distinct species of the claimed invention: Species I, directed to Figures 9 and 10; Species II, directed to Figures 11 and 12; Species III, directed to Figures 13 and 14; Species IV, directed to Figures 15 and 16; Species V, directed to Figure 21; Species VI, directed to Figure 22; Species VII, directed to Figure 23; Species VIII, directed to Figure 24; Species IX, directed to Figure 27; Species X, directed to Figure 28.

Applicants hereby respectfully traverse this election/restriction requirement, with amendment, and hereby request that the Examiner reconsider and withdraw this election/restriction requirement. As required, however, Applicants provisionally elect claims 1-224, which encompass

alleged Species II (see reference designators in claims 1-224 corresponding to elements in Figures 11 and 12), for prosecution in the event that this election/restriction requirement is made final.

Under 35 U.S.C. § 121, restriction is appropriate if two or more independent and distinct inventions are claimed in one application. As set forth in MPEP § 802.01, inventions are independent if there is no disclosed relationship between the two or more subjects disclosed, and inventions are distinct if two or more subjects as disclosed are capable of separate manufacture, use, or sale as claimed.

On pages 2-4 of the Office Action, the Examiner attempts to explain how alleged Species I-X are distinct from each other. However, the Examiner fails to explain how alleged Species I-X are independent from each other. That is, all alleged Species I-X are directed to encoding/decoding uncompressed/compressed data. Thus, all alleged Species I-X are related and are not independent from each other. Accordingly, it is respectfully submitted that the election/restriction requirement is improper, and the withdrawal of such election/restriction requirement is respectfully requested.

Also, under 37 CFR § 1.141(a), more than one species of an invention may be specifically claimed in different claims in one application, provided that the application also includes an

allowable claim generic to all claimed species and all the claims to species in excess of one are written in dependent form or otherwise include all the limitations of the generic claim. It is respectfully submitted, and the Examiner acknowledges, that claims 1, 56, 113, 168, 225, 280, 337, and 392 are generic to all claimed species. That is, claim 1 is generic to claims 2-55 (which cover all claimed species), claim 56 is generic to claims 57-112 (which cover all claimed species), claim 113 is generic to claims 114-167 (which cover all claimed species), claim 168 is generic to claims 169-224 (which cover all claimed species), claim 225 is generic to claims 226-279 (which cover all claimed species), claim 280 is generic to claims 281-336 (which cover all claimed species), claim 337 is generic to claims 338-391 (which cover all claimed species), and claim 392 is generic to claims 393-452 (which cover all claimed species). Also, it is respectfully submitted that claims 2-55 (which cover all claimed species) include all of the limitations of claim 1, claims 57-112 include all of the limitations of claim 56, claims 114-167 (which cover all claimed species) include all of the limitations of claim 113, claims 169-224 (which cover all claimed species) include all of the limitations of claim 168, claims 226-279 (which cover all claimed species) include all of the limitations of claim 225, claims 281-336 (which cover all claimed species) include all of the limitations of claim 280,

claims 338-391 (which cover all claimed species) include all of the limitations of claim 337, and claims 393-452 (which cover all claimed species) include all of the limitations of claim 392. Accordingly, it is respectfully submitted that the election/restriction requirement is improper, and the withdrawal of such election/restriction requirement is respectfully requested.

Furthermore, as shown in the encoder/decoder patent claim mapping chart attached hereto as Appendix A, it is clear that all of the claim sets (i.e., the apparatus claim sets beginning with independent claims 1 and 56, the method claim sets beginning with independent claims 113 and 168, the article of manufacture claim sets beginning with independent claims 225 and 280, and the signal claim sets beginning with independent claims 337 and 392) share common elements and features, and thus it would not be unduly burdensome for the Examiner to examine all of the pending claims. Accordingly, it is respectfully submitted that the election/restriction requirement is improper, and the withdrawal of such election/restriction requirement is respectfully requested.

II. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an

early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this communication to Deposit Account No. 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,

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